



Early Journal Content on JSTOR, Free to Anyone in the World

This article is one of nearly 500,000 scholarly works digitized and made freely available to everyone in the world by JSTOR.

Known as the Early Journal Content, this set of works include research articles, news, letters, and other writings published in more than 200 of the oldest leading academic journals. The works date from the mid-seventeenth to the early twentieth centuries.

We encourage people to read and share the Early Journal Content openly and to tell others that this resource exists. People may post this content online or redistribute in any way for non-commercial purposes.

Read more about Early Journal Content at <http://about.jstor.org/participate-jstor/individuals/early-journal-content>.

JSTOR is a digital library of academic journals, books, and primary source objects. JSTOR helps people discover, use, and build upon a wide range of content through a powerful research and teaching platform, and preserves this content for future generations. JSTOR is part of ITHAKA, a not-for-profit organization that also includes Ithaka S+R and Portico. For more information about JSTOR, please contact support@jstor.org.

in a suit to set aside a deed given for support of grantors held, to show that defendant had done everything that could reasonably be expected in complying with his obligations under the deed.

[Ed. Note.—For other cases, see Deeds, Cent. Dig. § 650; Dec. Dig. § 212.* 4 Va.-W. Va. Enc. Dig. 389.]

Appeal from Circuit Court, Wythe County.

Suit by Pollie Harrell and another against D. H. Wampler. From a decree for complainants, defendant appeals. Reversed, and bill dismissed.

E. Lee Trinkle and *W. B. Kegley*, for appellant.

W. S. Poage, for appellees.

KENT et al. v. DOBYNS et al.

Sept. 14, 1911.

[72 S. E. 139.]

1. Easements (§ 8*)—Private Way—Exclusiveness of Possession—Prescription.—To claim a private way by adverse possession, the user must be exclusive in the sense that it does not depend for its enjoyment on similar rights in others, though others may also acquire a right of user of the way by prescription.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 23, 24, 33; Dec. Dig. § 8.* 11 Va.-W. Va. Enc. Dig. 370.]

2. Easements (§ 8*)—Private Way—Prescription.—To establish a private way by prescription, the use must be adverse, under a claim of right, and not permissive, exclusive, continuous, uninterrupted, and with the owner's knowledge and acquiescence, and must continue for at least 20 years.

[Ed. Note.—For other cases, see Easements, Cent. Dig. §§ 23, 24, 33; Dec. Dig. § 8.* 11 Va.-W. Va. Enc. Dig. 370.]

3. Estoppel (§ 98*)—Estoppel by Conduct—User of Private Way.—Defendant herein applied to have a certain way from his land over those of complainant's grantor established as a public road, and the court's order confirming the denial of the application recited that defendant had a sufficient road over the same location proposed as a public road, and that complainant's grantor, upon being examined, declared that he had given defendant permission to use the road, and had no intention of revoking it. Held, that the declaration of complainant's grantor would not estop complainant from asserting that defendant only used the road by permission and revoking his license to do so.

[Ed. Note.—For other cases, see Estoppel, Cent. Dig. § 290; Dec. Dig. § 98.* 9 Va.-W. Va. Enc. Dig. 303.]

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.

4. Licenses (§ 58*)—Use of Land—Revocation.—A license to use a private way across land is revocable at the pleasure of the licensor.

[Ed. Note.—For other cases, see Licenses, Cent. Dig. §§ 116-120; Dec. Dig. § 58.* 9 Va.-W. Va. Enc. Dig. 303.]

5. Licenses (§ 58*)—Revocation.—If an oral permission for the use of land as a way would, if under seal, have created an easement, equity may regard it as an equitable easement and irrevocable upon part performance by the licensee by expenditure of money or otherwise.

[Ed. Note.—For other cases, see Licenses, Dec. Dig. § 58.* 9 Va.-W. Va. Enc. Dig. 303.]

Appeal from Circuit Court, Pulaski County.

Suit by T. M. Dobyns and another against J. Howe Kent and others. From a decree in part for complainants, defendants appeal. Affirmed.

Jno. S. Draper and *Jos. C. Wysor*, for appellants.

W. B. Kegley and *E. Lee Trinkle*, for appellees.

HOWARD v. GOSE et al.

Sept. 14, 1911.

[72 S. E. 140.]

1. Appeal and Error (§ 1019*)—Review—Report of Referee.—The report of a commissioner appointed in receivership proceedings is prima facie correct, and an order confirming it will not be reversed if the evidence is conflicting, unless the commissioner's finding is clearly erroneous.

[Ed. Note.—For other cases, see Appeal and Error, Cent. Dig. §§ 4008-4010; Dec. Dig. § 1019.* 1 Va.-W. Va. Enc. Dig. 623.]

2. Receivers (§ 203*)—Statement of Account—Reference.—Where a commissioner appointed to take a receiver's account reported that he charged the receiver with all sums received and credited him with all expenditures made by him, and it does not appear that the account could have been itemized and stated in detail, as directed by the decree ordering the account, or that a recommitment would be beneficial, the report was properly confirmed, though it did not state the receiver's account in detail.

[Ed. Note.—For other cases, see Receivers, Cent. Dig. § 406; Dec. Dig. § 203.* 11 Va.-W. Va. Enc. Dig. 752.]

3. Receivers (§ 193*)—Accounting—Credits.—Upon the accounting of a receiver for the purchaser of lumber, who had become insolvent, the receiver should be credited with the amount of a rebate made for lumber sold by him under a guaranteed inspection, necessitated by a

*For other cases see same topic and section NUMBER in Dec. Dig. & Am. Dig. Key No. Series & Rep'r Indexes.